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PATENT APPLICATION

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

ATTORNEY DOCKET NO. 10004283-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Elliot L. Klosterman

Confirmation No.: 9384

Application No.: 09/943,239

Examiner: Benjamin Dulaney

Filing Date: August 29, 2001

Group Art Unit: 2626

Title: Printer Driver Access Interface

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on May 2, 2007.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$120

☐ 2nd Month
\$450

☐ 3rd Month
\$1020

☐ 4th Month
\$1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

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Signature: 

Rev 10/06a (AplBrief)

Respectfully submitted,

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By 

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S): E. Klosterman et al.

ATT. DOCKET NO. 10004283-1

SERIAL NO.: 09/943,239

GROUP ART UNIT: 2622

FILED: August 29, 2001

EXAMINER: Benjamin Dulaney

TITLE: Printer Driver Access Interface

CONFIRMATION NO. 9384

APPEAL BRIEF

1. REAL PARTY IN INTEREST.

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holding, LLC.

2. RELATED APPEALS AND INTERFERENCES.

There are no other appeals or interferences known to Appellants, Appellants' legal representative or the Assignee which will affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

3. STATUS OF CLAIMS.

Claims 1, 5-16 and 18-20 are pending. Claims 2-4 and 17 have been canceled. The rejection of Claims 1, 5-16 and 18-20 is appealed.

4. STATUS OF AMENDMENTS.

No amendments were filed after the final action.

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5. SUMMARY OF CLAIMED SUBJECT MATTER.

The subject matter of each independent Claim 1 and 16 relates to, in response to receiving a call from the printer driver indicating that a print job is initiated, connecting an add-on module responsive to the call to the printer driver.

The method of Claim 1, for example, includes:

receiving a call from the printer driver indicating that a print job is initiated [e.g., the software application from which the print job is to be initiated typically calls the printer driver 8, the printer driver 8 in turn calls the interface module 20, and the interface module 20, having received that call from the printer driver 8, determines whether any of the add-on modules 10 are responsive to the call, Specification page 12-16; and in block 34 of Fig. 6 the printer driver 8 issues a call to the interface module 20 that the start of the document 12 has been reached and the interface module 20 receives the call, Specification page 13, lines 19-22];

determining whether any of the add-on modules are responsive to the call [e.g., in block 36 in Fig. 6 the interface module 20 determines whether any add-on modules 10 are responsive to the call from the printer driver 8, Specification page 13, lines 23-24]; and

in response to determining that at least one add-on module is responsive, connecting the at least one responsive add-on module to the printer driver via the interface module [e.g., in block 38 in Fig. 6 the interface module 20 connects any responsive add-on modules 10 to the printer driver 8, Specification page 14, lines 7-8].

Claim 16 is a computer program product counterpart to the method of Claim 1 and recites similar limitations [e.g., instructions for implementing method 22 (Fig. 6) may be provided as a computer program product, Specification page 21, lines 11-12]. The computer program product of Claim 16 includes:

instructions for receiving a call from the printer driver indicating that a print job is initiated [e.g., the software application from which the print job is to be initiated typically calls the printer driver 8, the printer driver 8 in turn calls the interface module 20, and the interface module 20, having received that call from the printer driver 8, determines whether any of the add-on modules 10 are responsive to the call, Specification page

12-16; and in block 34 of Fig. 6 the printer driver 8 issues a call to the interface module 20 that the start of the document 12 has been reached and the interface module 20 receives the call, Specification page 13, lines 19-22];

instructions for determining whether any of the add-on modules are responsive to said call [e.g., in block 36 in Fig. 6 the interface module 20 determines whether any add-on modules 10 are responsive to the call from the printer driver 8, Specification page 13, lines 23-24]; and

instructions for, in response to determining that at least one add-on module is responsive, connecting the at least one responsive add-on module to the printer driver via the interface module [e.g., in block 38 in Fig. 6 the interface module 20 connects any responsive add-on modules 10 to the printer driver 8, Specification page 14, lines 7-8].

6. GROUNDS OF REJECTION TO BE REVIEWED.

1. Claims 1, 5-16 and 18-20 stand rejected under Section 102(e) as being anticipated by Howard (6823526).

7. ARGUMENT.

GROUND NO. 1

Claims 1, 5-16 and 18-20 stand rejected under Section 102(e) as being anticipated by Howard (6823526).

Claims 1, 5-16 and 18-20 stand rejected under Section 102(e) as being anticipated by Howard (6823526). To support the Section 102 rejection, Howard must teach each and every claim limitation, it must be enabling, and it must describe the claimed subject matter sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention. *Helifix Ltd. v. Blok-Lok*, 208 F.3d 1339 (Fed. Cir. 2000); *In re Paulsen*, 30 F.3d 1475 (Fed. Cir. 1994); MPEP § 2131. The Examiner must show that Howard teaches "each and every element as set forth in the claim." MPEP § 2131 (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)). "[A]nticipation requires the presence in a single prior art

reference disclosure of each and every element of the claimed invention, arranged as in the claim." See, e.g., *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1456 (Fed. Cir. 1984).

Calling Add-On Modules In Response To Initiation Of A Print Job (All Pending Claims)

Claim 1 recites (1) receiving a call from the printer driver indicating that a print job is initiated, (2) determining whether any of the add-on modules are responsive to the call, and, (3) in response to determining that an add-on module is responsive to the call, connecting the responsive add-on module to the printer driver via the interface module. Claim 16 is a computer program product counterpart to the method of Claim 1 and recites similar limitations.

In the method of Claim 1, the actions relating to the add-on module are taken when a print job is initiated -- "receiving a call from the printer driver indicating that a print job is initiated." Howard does not teach that his add-on modules are called/implemented in response to the initiation of a print job. Howard teaches that the driver configuration component "is modified in accordance with the add-on identifier key to include features associated with the optional feature component." Howard column 3, lines 22-24. The timing of this modification is not set out clearly in Howard. The pertinent passage in Howard is quoted below.

In step 85, the installer 22 installs the device driver 26 in the operating system 29. Ultimately, the device driver 26 operates the external device 30 based on the optional feature component 43. As the host system 20 and the external device operate to execute applications and instructions, the device driver 26 in step 90 (of FIG. 4B) searches for the add-on identifier key 23 in the registry 24. In step 95, the device driver 26 determines whether an optional feature, such as an envelope feeder for a laser printer, is included with the external device 30 by referencing the identifier key stored in the registry 24. The identifier key array 25.

For each add-on identifier key in the identifier key array 25, the device driver 26 in step 105 modifies the configuration settings component 27 based on the optional feature component 43. Before ending the add-on identifier sequence 100 in step 110, the configuration settings component 27 in step 105 is modified according to the add-on identifier key in the registry 24. Howard column 9, lines 43-59.

While it is possible that these actions are taken in response to the initiation of a print job, Howard does not teach (or even suggest) that these actions are, in fact, taken

in response to the initiation of a print job. The Examiner argues at page 2 of the final Action that the passage in Howard "the host system 20 and the external device operate to execute applications and instructions" teaches initiating a print job as claimed. Applicants respectfully disagree. This passage in Howard, which is included in the text quoted above, is part of the description of the method shown in Fig. 7 (Figs. 7A and 7B). Conspicuously absent from the method of Fig. 7 is any mention of a print job, initiating a print job or printing a print job. On the contrary, the method of Fig. 7 is directed to installing a printer driver.

The add-on modules in Howard implement in the device driver optional features of the device, such as an envelope feeder for a printer. Howard column 3, lines 4-6; see also Howard column 6, lines 4-11. Howard seems to suggest these optional features are added to the device driver when the driver is installed on the operating system of a host computer. Howard column 8, lines 57-58 and column 9, lines 43-44. Admittedly, Howard states in these same passages that "ultimately, the device [printer] driver operates the device [printer] based on the optional feature...." Unfortunately, Howard does not tell us if "ultimately" means the optional features are added to the driver when the driver is installed or later when each print job is initiated. In view of the nature of the optional features in Howard, adding these features to the driver when the driver is installed would be more efficient (and therefore more likely) than calling them up each time a print job is initiated. Nevertheless, the important factor in the present discussion is that Howard does not teach, enable, and describe this claim element sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention, as required to support the rejection. Nor is it necessary in Howard that the optional features be added to the driver in response to initiation of a print job. Howard, therefore, does not inherently teach calling an add-on module in response to the initiation of a print job.

Claims 1 and 16 and their respective dependent claims distinguish over Howard.
Inserting Data Or A Command Into The Print Stream (Claims 7 and 8)

Claim 7 depending from Claim 1 (through Claim 6) recites the further limitation that the add-on module inserts data into the print stream. Claim 8 depending from Claim 1 (through Claim 6) recites the further limitation that the add-on module inserts a

command into the print stream. Print stream is specially defined in the Specification as "the data stream constituting the print job as that data is transmitted through the printer driver 8, along with any overhead added to the print job at any point as it transits between the software application and the printing device 4." Specification page 3, lines 3-6.

The Examiner asserts that Howard teaches the further limitation of both Claim 7 and Claim 8 at column 6, lines 17-35. This assertion is not correct. It can be seen from the cited passage in Howard, quoted in full below, that there is no mention of a print job or overhead added to the print job generally, and more specifically, there is no mention of inserting data into the print job/overhead or inserting a command into the print job/overhead.

In operation, the engine code element 35 searches the device hardware 38 for add-on features that are included for a specific external device 30 for connection to the host system (20). After determining those add-on features that are included and not included with that particular external device 30, the engine code element 35 prompts the i/o element 33 to access and scan the template 40. Specifically, the i/o element 33 scans the optional features component 43 for the input variables 44.

In effect, each input variable 44, "%", acts as a marker for enabling the i/o code element 33 to locate and insert data field values along the template 40. By scanning the template 40, the i/o code element 33 substitutes input variables 44 with data fields for included add-on features as well as nullifies input variables 44 for add-on features that were not included with that specific external device 30. By revising the template to include relevant add-on features, the i/o code element 33 formats the template into a resulting device id string. Howard column 6, lines 17-35.

The data field values discussed in these passages in Howard are added to a template 40 – template 40 is not part of a print job or overhead added to a print job. On the contrary, template 40 is a registry used to add optional features to a device driver.

For these additional reasons, Claims 7 and 8 distinguish over Howard.

Respectfully submitted,

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APPENDIX I -- CLAIMS INVOLVED IN THE APPEAL

1.(previously presented) A method for processing a print stream through a printer driver, comprising:

- providing an interface module that interfaces with the printer driver;
- registering at least one add-on module with said interface module, said registering comprising receiving property information at said interface module from each said add-on module and storing said property information;
- receiving a call from the printer driver indicating that a print job is initiated;
- determining whether any of said add-on modules are responsive to said call; and
- in response to determining that at least one add-on module is responsive, connecting said at least one responsive add-on module to the printer driver via said interface module.

2-4.(canceled)

5.(previously presented) The method of claim 1, wherein said at least one responsive add-on module is adapted to modify a user interface generated by the printer driver.

6.(previously presented) The method of claim 1, wherein the print stream comprises at least one access point and the method further comprising:

- receiving a call from the printer driver indicating that an access point has been reached;
- determining whether any of said add-on modules are responsive to said call; and
- in response to determining that at least one add-on module is responsive, connecting said at least one responsive add-on module to the printer driver via said interface module.

7.(original) The method of claim 6, wherein said at least one responsive add-on module inserts data into the print stream at said access point.

8.(original) The method of claim 6, wherein said at least one responsive add-on module inserts a command into the print stream at said access point.

9.(original) The method of claim 6, wherein said at least one responsive add-on module transmits a command to the printer driver.

10.(original) The method of claim 6, wherein said at least one access point is selected from the group consisting of a document start, a document end, a physical page start, a physical page end, a logical page start, and a logical page end.

11.(original) The method of claim 6, wherein said at least one access point is dynamically selectable.

12.(previously presented) The method of claim 1, wherein the printer driver has at least one setting and the method further comprising:

querying the printer driver from at least one said add-on module about at least one said setting, and

receiving information from the printer driver in response to said querying.

13.(previously presented) The method of claim 12, wherein at least one said add-on module comprises at least one setting and the method further comprising changing a setting in at least one said add-on module in response to said received information.

14.(previously presented) The method of claim 1, wherein the printer driver has at least one setting and the method further comprising changing at least one said setting of the printer driver through said interface module under the control of at least one said add-on module.

15.(original) The method of claim 1, further comprising providing at least one additional printer driver and a corresponding additional interface module for each additional printer driver, wherein at least one add-on module is registered with a plurality of said interface modules.

16.(previously presented) A computer program product for use in an information handling system, where an operating system environment is present on the information handling system, and at least one add-on module interfaces with a printer driver through an interface module within the operating system environment, the computer program product comprising:

instructions for registering at least one add-on module with the interface module, said registering comprising receiving property information at said interface module from each said add-on module and storing said property information;

instructions for receiving a call from the printer driver indicating that a print job is initiated;

instructions for determining whether any of said add-on modules are responsive to said call; and

instructions for, in response to determining that at least one add-on module is responsive, connecting said at least one responsive add-on module to the printer driver via said interface module.

17.(canceled)

18.(previously presented) The computer program product of claim 16, further comprising:

instructions for receiving a call from the printer driver indicating that an access point has been reached;

instructions for determining whether any of said add-on modules are responsive to said call; and

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instructions for, in response to determining that at least one add-on module is responsive, connecting said at least one responsive add-on module to the printer driver via said interface module.

19.(original) The computer program product of claim 16, further comprising:

instructions for querying the printer driver about at least one setting therein; and
instructions for receiving information from the printer driver in response to said querying.

20.(original) The computer program product of claim 16, wherein the printer driver has at least one setting, further comprising instructions for changing at least one said setting of the printer driver through said interface module under the control of at least one said add-on module.

APPENDIX II -- EVIDENCE SUBMITTED UNDER RULES 130, 131 OR 132

none

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APPENDIX III -- RELATED PROCEEDINGS

none

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